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MARILYN KENDRICK

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARILYN KENDRICK,

Plaintiff,

vs.

SAM'S WEST, INC. dba SAM'S CLUB STORE

#6257; DOES 1 through 10; and ROE

CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: 2:23-cv-02118-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by ninety (90) days, up to and including *Thursday, October 24, 2024* in order to allow Plaintiff's counsel to obtain missing medical records from Plaintiff's out-of-state treating physicians. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to the Local Rules. In support of this Stipulation and Request, the parties state as follows:

DISCOVERY COMPLETED

1. On November 17, 2023, Plaintiff filed her Complaint.
2. On December 21, 2023, Defendant filed its Answer to Plaintiff's Complaint.
3. On December 22, 2023, Defendant removed the case to the U.S. District Court.
4. On February 21, 2024, Plaintiff served her initial FRCP disclosures.
5. On February 26, 2024, Defendant served its initial FRCP disclosures.
6. On May 2, 2024, Plaintiff served her first supplemental FRCP disclosures.

DISCOVERY REMAINING

1. The parties will propound and respond to written discovery.
2. Plaintiff will conduct a site inspection of Defendant's Premises, and has requested Defendant's availability.
3. Plaintiff will depose Defendant's FRCP 30(b)(6) witness(es).
4. Defendant may depose Plaintiff.
5. Expert witnesses need to be retained and disclosed.
6. Rebuttal experts need to be retained and disclosed.
7. Plaintiff will depose Defendant's expert witnesses.
8. Defendant may depose Plaintiff's expert witnesses.
9. The parties may depose all other witnesses ascertained through discovery, such as potentially including Plaintiff's medical treatment providers.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing Plaintiff to secure and disclose complete medical records from out-of-state medical providers and sufficient time to conduct discovery.

The parties have been co-operative and diligent in moving the case forward: participating in a reasonable amount of discovery, including exchanging their initial and supplemental lists of witnesses and documents and co-operating with records procurement and disclosures.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This stipulation is made more than 21 days before the expiration of the deadlines requested.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Tuesday, July 24, 2024</i>	<i>Thursday, October 24, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Thursday, April 25, 2024</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Monday, May 27, 2024</i>	<i>Monday, August 26, 2024</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, June 24, 2024</i>	<i>Tuesday, September 24, 2024</i>
Dispositive Motions	<i>Friday, August 23, 2024</i>	<i>Friday, November 22, 2024</i>
Joint Pretrial Order	<i>Monday, September 23, 2024</i>	<i>Monday, December 23, 2024</i> <i>If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery period by ninety (90) days from the current deadline of *Tuesday, July 24, 2024*, up to and including *Thursday, October 24, 2024*, and the other dates as outlined in accordance with the table above.

DATED this 2nd day of May, 2024.

DATED this 2nd day of May, 2024.

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dba SAM'S CLUB STORE #6257

ORDER

IT IS SO ORDERED:

Dated this 2nd day of May, 2024


UNITED STATES MAGISTRATE JUDGE